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GENERAL COUNSEL
OF COPYRIGHT

IN THE MATTER OF)
ASCERTAINMENT OF CONTROVERSY)
1999-2001 DIGITAL AUDIO RECORDING)
ROYALTY DISTRIBUTION PROCEEDING)

DOCKET NO. 2002-6 DD 99-01

MOTION TO STRIKE SETTling PARTIES' MOTION FOR PARTIAL
DISTRIBUTION OF DART MUSICAL WORKS ROYALTY FUNDS FOR 1999-2001

I, ALICIA CAROLYN EVELYN, INDIVIDUAL, PRO SE, SONGWRITER
CLAIMANT, SUBMIT THIS MOTION TO STRIKE THE MOTION OF SETTling
PARTIES FOR DISTRIBUTION OF 95% OF THE 1999, 2000, AND 2001
MUSICAL WORKS FUNDS FOR MANY REASONS:

1. FILED BY "SETTLING PARTIES" ON JUNE 13, 2002, THE DART PRO-
CEEDINGS HAD NOT OFFICIALLY BEGUN. THE MOTION WAS SUBMITTED
TO THE COPYRIGHT OFFICE ONLY AND WAS NEVER SERVED ON THE
NON-SETTLING CLAIMANTS.
2. IN WHAT CLAIMANT CHARACTERIZED AS A DENIAL OF PARITY AND OF
JUST ARBITRATION IN HER COMMENTS FILED ON SEPTEMBER 16, 2002,
THE OFFICE, IN FEDERAL REGISTER NOTICE(S) OF JULY 15, (AND
JULY 19), 2002, ADVISED OF THE SETTling PARTIES' MOTION AND
ITS AVAILABILITY FOR "INSPECTION AND COPYING IN THE OFFICE
OF THE GENERAL COUNSEL.",
3. THE OFFICE ADVISED THAT NOTICES OF INTENTION TO PARTICIPATE
IN THE DISTRIBUTION AND COMMENTS ON THE EXISTENCE OF CONTROVERSY
~~were~~ DUE BY SEPTEMBER 16, 2002, WHEN ANYONE WHO FILES A NOTICE OF
INTENTION TO PARTICIPATE MAY ALSO FILE A RESPONSE TO THE MO-
TION OF SETTling PARTIES, DUE THEN ALSO.

4. THIS NON-SETTLING CLAIMANT APPEARS TO BE THE ONLY NON-SETTLING PARTY WHO RECEIVED , WITH A SERVICE LIST, THE OFFICE'S ORDER OF SEPTEMBER 18, 2002, EXTENDING TO OCTOBER 4, 2002, THE TIME FOR FILING COMMENTS RE THE MOTION OF THE SETTLING PARTIES. CLAIMANT BELIEVES ALL NON-SETTLING CLAIMANTS SHOULD BE ADVISED THAT THE MOTION WILL BE STRUCK AND CONSIDERATION POSTPONED BECAUSE OF ITS PREMATURE SUBMISSION.

CONCLUSION

THE MOTION SHOULD BE STRUCK BECAUSE PER CARP 490, AS NOTED DURING THE SECOND DISTRIBUTION, "THE 45-DAY DESIGNATED PERIOD SHALL BE THE SOLE TIME FOR FILING PRECONTROVERSY MOTIONS AND OBJECTIONS. ANY MOTIONS AND OBJECTIONS RECEIVED PRIOR TO, OR AFTER, THE 45-DAY PERIOD WILL BE RETURNED." (FEDERAL REGISTER/CARP.490)¹.

BECAUSE IT WAS NOT TIMELY FILED AND WAS NOT SERVED ON THE MANY NON-SETTLING CLAIMANTS WHO MAY HAVE BEEN NEGATIVELY IMPACTED BY THE FEDERAL REGISTER NOTICE REQUIRING THAT CLAIMANTS INSPECT AND COPY THE MOTION IN THE OFFICE OF THE GENERAL COUNSEL, CLAIMANT SUBMITS THAT THE OFFICE SHOULD RETURN THE MOTION TO SETTLING PARTIES AND ADVISE ALL NON-SETTLING CLAIMANTS OF THEIR RIGHTS TO SERVICE IF AND WHEN THE MOTION IS CORRECTLY SUBMITTED.

¹ <http://www.loc.gov/copyright/fedreg/carp.490>

OCTOBER 3, 2002

RESPECTFULLY SUBMITTED,

Alicia Carolyn Evelyn

ALICIA CAROLYN EVELYN,
CLAIMANT, PRO SE
10 HIGHLAND AVENUE
BINGHAMTON, NEW YORK 13905
(607) 797-2286

CERTIFICATE OF SERVICE

I, ALICIA CAROLYN EVELYN, HEREBY CERTIFY THAT ON THIS 3rd DAY OF OCTOBER, 2002, A COPY OF THE FOREGOING "MOTION TO STRIKE SETTLING PARTIES' MOTION FOR PARTIAL DISTRIBUTION OF DART MUSICAL WORKS ROYALTY FUNDS FOR 1999-2001' WAS SERVED BY OVERNIGHT FEDERAL EXPRESS MAIL ON THE FOLLOWING PARTIES WHO ARE COUNSEL FOR THE FIVE SETTLING PARTIES & ON THE PARTIES:

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1. FILED BY "SETTLING PARTIES" ON JUNE 13, 2002, THE DART PROCEEDINGS HAD NOT OFFICIALLY BEGUN. THE MOTION WAS SUBMITTED TO THE COPYRIGHT OFFICE ONLY AND WAS NEVER SERVED ON THE NON-SETTLING CLAIMANTS.
2. IN WHAT CLAIMANT CHARACTERIZED AS A DENIAL OF PARITY AND OF JUST ARBITRATION IN HER COMMENTS FILED ON SEPTEMBER 16, 2002, THE OFFICE, IN FEDERAL REGISTER NOTICE(S) OF JULY 15, (AND JULY 19), 2002, ADVISED OF THE SETTLING PARTIES' MOTION AND ITS AVAILABILITY FOR "INSPECTION AND COPYING IN THE OFFICE OF THE GENERAL COUNSEL.",
3. THE OFFICE ADVISED THAT NOTICES OF INTENTION TO PARTICIPATE IN THE DISTRIBUTION AND COMMENTS ON THE EXISTENCE OF CONTROVERSY WERE DUE BY SEPTEMBER 16, 2002, WHEN ANYONE WHO FILES A NOTICE OF INTENTION TO PARTICIPATE MAY ALSO FILE A RESPONSE TO THE MOTION OF SETTLING PARTIES, DUE THEN ALSO.

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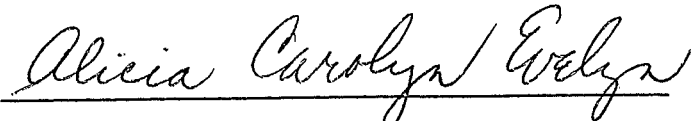
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